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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,793	06/19/2001	Joel Zdepski	5266-03400	6907
44015	7590	12/28/2005	EXAMINER	
OPTV/MEYERTONS THE CHASE BUILDING 700 LAVACA, SUITE 800 AUSTIN, TX 78701			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/885,793

Applicant(s)

ZDEPSKI, JOEL

Examiner

Annan Q. Shang

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-68 are rejected under 35 U.S.C. 102(e) as being anticipated by **Shoff et al (6,240,555)**.

As to claim 1, note the **Shoff** reference figures 2 and 8, interactive entertainment system (ITV-System 20, fig.2 and 4) for presenting supplemental interactive content together with continuous video programs and further discloses a method of script usage in an interactive television system comprising:

Executing an interactive application 'IAP' corresponding to a program (figs.2, 5, Processor 92 of Viewer Computing Unit 'VCU' 24 or STB 26, col.4, lines 14-34, line 56-col.5, line 23 and col.8, lines 4-34), note that VCU/STB 24/26 receives the TV program, the supplemental interactive content, an interactive icon "script" and the interactive application, via Head end 22, a television broadcaster and web content provider (col.4, lines 14-21 and line 43-col.5, line 1+), stores in memory (94/96, coupled to Tuner 98/100, fig.5, col.8, lines 4-38) and Processor 92 "a network communications operator,"

retrieves these contents and execute IAP to provide TV program, the icon and supplemental content accordingly on display 200 (figs.8a-8c, col.8, lines 38-61 and col.10, line 59-col.11, line 1+);

Providing an opportunity (Processor 92 displays Icon 204, other indicia, fig.8 and col.9, lines 30-53) for display of added content (Supplemental Interactive content, col.5, line 12-33), where the added content is provided in response to user input (Remote Control, mouse, etc., col.4, lines 27-34 and col.9, lines 54-59), note that the icon, other indicia on the screen informs the viewer that the program is interactive;

Providing automated input corresponding to the opportunity (Processor 92, col.9, lines 54-col.10, line 6), where the automated input is provided by a script (Icon 204, col.9, lines 30-53) in lieu of the user input; and providing the added content for display in response to detecting the automated input (col.9, line 30-col.10, line 6 and lines 34-67).

As to claim 7, Shoff further discloses where the icon is configured to provide the input corresponding to the opportunity at a predetermined time (col.9, lines 41-49).

As to claim 8 and 9, Shoff further discloses storing the input in a message queue and the interactive application determines whether the input exists by accessing the message queue (col.9, line 54-col.10, line 17 and line 44-col.11, line 11).

As to claim 10, Shoff further discloses where the input indicates a particular level of advertisement provided (col.5, lines 12-52), note that the user upon interacting to the icon receives different levels of the advertisements.

As to claim 11, Shoff further discloses displaying the advertisements on TV or Monitor 200 (figs.8a-8c).

As to claim 12, Shoff further discloses indicating default script usage preferences and storing the preferences (col.10, line 59-col.11, line 33).

As to claim 13, Shoff further discloses executing the icon (col.10, line 59-col.11, line 33).

As to claim 14, Shoff further discloses where the icon is downloaded (col.10, line 59-col.11, line 33).

As to claim 15, Shoff further discloses where the icon is dynamically created (col.10, line 59-col.11, line 33).

Claim 16 is met as previously discussed with respect to claims 1-2.

Claims 17-18 are met as previously discussed with respect to claims 8-9.

As to claim 19, the claimed "a carrier medium comprising program instructions, where the program instructions are executable to..." contains the same structural elements as rejected claim 1.

Claim 20 is met as previously discussed with respect to claim 2.

Claim 21 is met as previously discussed with respect to claim 4.

Claim 22 is met as previously discussed with respect to claim 5.

Claim 23 is met as previously discussed with respect to claim 6.

Claim 24 is met as previously discussed with respect to claim 7.

Claim 25 is met as previously discussed with respect to claim 8.

Claim 26 is met as previously discussed with respect to claim 9.

Claim 27 is met as previously discussed with respect to claim 10.

Claim 28 is met as previously discussed with respect to claim 11.

Claim 29 is met as previously discussed with respect to claim 12.

As to claim 30, Shoff further discloses where the icon is downloaded (col.8, lines 35-51).

As to claim 31, Shoff further discloses where the icon is dynamically created (col.9, lines 35-65 and col.10, line 59-col.11, line 11).

Claim 32 is met as previously discussed with respect to claim 8.

As to claim 33, Shoff further discloses where the icon is configured to store the input in the queue in a repeated manner (col.9, line 54-col.10, line 17 and line 44-col.11, line 11).

As to claim 34, the claimed "a script usage device (set-top box 'STB' 11) comprising..." contains the same structural elements as rejected claim 1.

Claim 35 is met as previously discussed with respect to claim 2.

Claim 36 is met as previously discussed with respect to claim 3.

Claim 37 is met as previously discussed with respect to claim 5.

Claim 38 is met as previously discussed with respect to claim 5.

Claim 39 is met as previously discussed with respect to claim 6.

Claim 40 is met as previously discussed with respect to claim 7.

Claim 41 is met as previously discussed with respect to claim 8.

Claim 42 is met as previously discussed with respect to claim 9.

Claim 43 is met as previously discussed with respect to claim 10.

Claim 44 is met as previously discussed with respect to claim 11.

Claim 45 is met as previously discussed with respect to claim 12.

Claim 46 is met as previously discussed with respect to claim 30.

Claim 47 is met as previously discussed with respect to claim 31.

Claim 48 is met as previously discussed with respect to claim 8.

Claim 49 is met as previously discussed with respect to claim 32.

As to claim 50, note the **Shoff** reference figures 2 and 8, interactive entertainment system (ITV-System 20, fig.2 and 4) for presenting supplemental interactive content together with continuous video programs and further discloses and further discloses a system (Viewer Computing Unit 'VCU' 24 or STB 26) for automating user input in an interactive television system (ITV-System 20), comprising:

a first source (TV program Source via Tuner 98) configured to convey and interactive application to a receiver (VCU-24 or STB-26, fig.5 and col.8, lines 4-18);

a second source (Supplemental Content Source via Tuner/Modem 100) configured to convey added content to the receiver (VCU-24 or STB-26, fig.5 and col.8, lines 4-18); and

the receiver (VCU-24 or STB-26) coupled to the first source and the second source, where the receiver is configured to:

Providing an opportunity (Processor 92 displays Icon 204, other indicia, fig.8 and col.9, lines 30-53) for display of added content (Supplemental Interactive content, col.5, line 12-33), where the added content is provided in response to user input (Remote Control, mouse, etc., col.4, lines 27-34 and col.9, lines 54-59), note that the icon, other indicia on the screen informs the viewer that the program is interactive;

Providing automated input corresponding to the opportunity (Processor 92, col.9, lines 54-col.10, line 6), where the automated input is provided by a script (Icon 204, col.9, lines 30-53) in lieu of the user input; and providing the added content for display in response to detecting the automated input (col.9, line 30-col.10, line 6 and lines 34-67).

Claim 51 is met as previously discussed with respect to claim 2.

Claim 52 is met as previously discussed with respect to claim 3.

Claim 53 is met as previously discussed with respect to claim 2.

Claim 54 is met as previously discussed with respect to claim 2.

Claim 55 is met as previously discussed with respect to claim 6.

Claim 56 is met as previously discussed with respect to claim 4.

Claim 57 is met as previously discussed with respect to claim 5.

Claim 58 is met as previously discussed with respect to claim 6.

Claim 59 is met as previously discussed with respect to claim 7.

Claim 60 is met as previously discussed with respect to claim 8.

Claim 61 is met as previously discussed with respect to claim 9.

Claim 62 is met as previously discussed with respect to claim 10.

Claim 63 is met as previously discussed with respect to claim 11.

Claim 64 is met as previously discussed with respect to claim 12.

Claim 65 is met as previously discussed with respect to claim 30.

Claim 66 is met as previously discussed with respect to claim 31.

Claim 67 is met as previously discussed with respect to claim 8.

Claim 68 is met as previously discussed with respect to claim 32.



***Response to Arguments***

3. Applicant's arguments with respect to claims 1-68 have been considered but are moot in view of the new ground(s) of rejection. The amendment to all the independent claims necessitated the new ground(s) of rejections discussed above. This office action is made final.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Picco et al (6,029,045) disclose system and method for inserting local content into programming content.

Daniels (6,973,669) discloses pausing TV programming in response to selection of hypertext.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

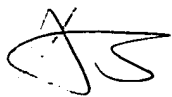
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

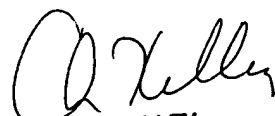
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



**Annan Q. Shang**



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